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AN ORDINANCE

99347

**AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Section 35-304 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

**CASE NO. Z2004125 S**

The rezoning and reclassification of property from C-3 General Commercial District to "C-3 S" General Commercial District with Specific Use Authorization for a telecommunications facility on the property listed as follows:

0.031 acres out of Lot 35, Block 16, NCB 14389

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

**SECTION 2.** The City Council finds that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the City will be protected, the use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, "Specific Use Authorization" of the Unified Development Code and the use will not adversely affect the public health, safety and welfare.

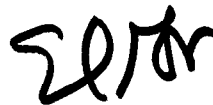
**SECTION 3.** The City Council approves this Special Use Permit subject to the following conditions:

- 1.) Tower shall not exceed 80 feet in height.
- 2.) Tower shall be constructed to resemble a flag pole as shown in public hearing. A flag shall be required.
- 3.) A 5 foot planting strip of Type "A" planting materials shall be installed surrounding the tower and service building.

**SECTION 3.** All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 -491.

**SECTION 4.** The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

**PASSED AND APPROVED** this 10<sup>th</sup> day of June, 2004.



M A Y O R

**EDWARD D. GARZA**

ATTEST:



City Clerk

APPROVED AS TO FORM:



CITY ATTORNEY